IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

MONDAY, THE 25TH JUNE 2007 / 4TH ASHADHA 1929

OP.No. 2517 of 2001(Y)

PETITIONERS:

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1. **C.NARAYANAN, MANAGER,**
   VIGILANCE & ANTI-CORRUPTION BUREAU,
   DIRECTORATE, THIRUVANANTHAPURAM.

2. **K.V.RAJAPPAN, ADMINISTRATIVE ASSISTANT,**
   VIGILANCE & ANTI-CORRUPTION BUREAU,
   DIRECTORATE, THIRUVANANTHAPURAM.

3. **B.VIJAYALAKSHMI, ACCOUNTS OFFICER,**
   VIGILANCE & ANTI-CORRUPTION BUREAU,
   DIRECTORATE, THIRUVANANTHAPURAM.

4. **E. ABDUL MAJEED, SENIOR SUPERINTENDENT,**
   VIGILANCE & ANTI-CORRUPTION BUREAU,
   CENTRAL RANGE, COCHIN-18.

5. **K.G.BHARGAVAN PILLAI, SENIOR SUPERINTENDENT,**
   VIGILANCE & ANTI-CORRUPTION BUREAU,
   SPECIAL CELL, ERNAKULAM.

6. **SANKARAN POTTY, JUNIOR SUPERINTENDENT,**
   VIGILANCE & ANTI-CORRUPTION BUREAU,
   CENTRAL RANGE, COCHIN-18.

7. **S.SIVAKAL, HEAD CLERK,**
   VIGILANCE & ANTI-CORRUPTION BUREAU,
   DIRECTORATE, THIRUVANANTHAPURAM.

8. **K.SATHEESAN, CONFIDENTIAL ASSISTANT,**
   VIGILANCE & ANTI-CORRUPTION BUREAU,
   DIRECTORATE, THIRUVANANTHAPURAM.

9. **D.SANTHAKUMARI, FAIR COPY SUPERINTENDENT,**
   VIGILANCE & ANTI-CORRUPTION BUREAU,
   THIRUVANANTHAPURAM.

**10. N.I.GEORGE, U.D.CLERK,
VIGILANCE & ANTI-CORRUPTION BUREAU,
CENTRAL RANGE, COCHIN-18.**

**11. A.PADMAVATHY AMMA, SELECTION GRADE TYPIST,
VIGILANCE & ANTI-CORRUPTION BUREAU,
ERNAKULAM UNIT, COCHIN-18.**

**12. T.T.VAREED, PEON,
VIGILANCE & ANTI-CORRUPTION BUREAU,
CENTRAL RANGE, COCHIN-18.**

**13. SIVAN PILLAI, ATTENDER,
VIGILANCE & ANTI-CORRUPTION BUREAU,
DIRECTORATE, THIRUVANANTHAPURAM.**

**14. A.D. MANOJ KUMAR, CONFIDENTIAL ASSISTANT,
VIGILANCE & ANTI-CORRUPTION BUREAU,
SPECIAL CELL, ERNAKULAM.**

**15. FREDERIC BOBAN, U.D.CLERK,
VIGILANCE & ANTI-CORRUPTION BUREAU,
DIRECTORATE, THIRUVANANTHAPURAM.**

**BY ADV. SRI.C.P.SUDHAKARA PRASAD
SRI.ELVIN PETER P.J.**

RESPONDENTS:

**1. STATE OF KERALA, REPRESENTED BY THE
PRINCIPAL SECRETARY TO GOVERNMENT,
VIGILANCE DEPARTMENT, GOVERNMENT
SECRETARIAT, THIRUVANANTHAPURAM.**

**2. THE DIRECTOR, VIGILANCE & ANTI-CORRUPTION
BUREAU, THIRUVANANTHAPURAM.**

R1 & R2 BY GOVERNMENT PLEADER SMT.T.B.RAMANI

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 25/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON C.M.P.No.4264 OF 2001 IN C.P.NO.2517 OF 2001

DISMISSED

25/6/2007 **Sd/- THOTTATHIL B.RADHAKRISHNAN,JUDGE.**

APPENDIX

PETITIONERS EXHIBITS:

EXT.P1: COPY OF ORDER, G.O.(MS) NO.28/99/VIG. DT.6.3.1999.

EXT.P2: COPY OF COMMUNICATION NO.B3-10473/97. DT. 28-4-1999 SENT BY THE 2ND RESPONDENT TO THE GOVT.

EXT.P2(a): COPY OF COMMUNICATION NO.4298/C1/99/VIG. DT. 22-5-99 SENT BY THE GOVERNMENT.

EXT.P3: COPY OF COMMUNICATION NO.B3-10473/97. DT.9.6.1999 SENT BY THE 2ND RESPONDENT TO THE GOVERNMENT.

EXT.P4: COPY OF ORDER, G.O.(MS)NO.21/2000/VIG. DT. 3.2.2000.

EXT.P5: COPY OF COMMUNICATION NO.B3-10473/97. DT. 20.1.2000 SENT BY THE 2ND RESPONDENT TO THE GOVT.

EXT.P6: COPY OF MINUTES OF THE STAFF COUNCIL MEETING HELD ON 7.7.1999.

EXT.P7: COPY OF STATEMENT SHOWING THE PAY AND ALLOWANCES TO OFFICERS OF VACB OTHER THAN MINISTERIAL STAFF.

EXT.P8: COPY OF ORDER NO.4298/C1/99/VIG. DT.9.2.2000 ISSUED BY THE GOVT. TO THE 2ND RESPONDENT.

TRUE COPY

P.A.TO JUDGE

THOTTATHIL B. RADHAKRISHNAN, J.

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O.P.No. 2517 of 2001-Y

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Dated this the 25th day of June, 2007.

JUDGMENT

Petitioners are members of the ministerial staff attached to the Vigilance & Anti-Corruption Bureau in the State Government. They claim that an allowance in the name of Vigilance Duty Allowance is being given to different personnel in the Vigilance & Anti-Corruption Bureau, except in the ministerial staff. They also seek to point out that such benefit is extended even to police officials. The Director of Vigilance & Anti-Corruption Bureau, on an assessment of the vigilance machinery, recommended that Vigilance Duty Allowance be extended to the ministerial staff also. That did not find favour with the Government, resulting in the impugned Ext.P8.

2. In Ext.P8, the Government have taken the stand that the Vigilance Duty Allowance is one that was extended to attract the best among the police personnel into the Vigilance & Anti-Corruption Bureau and that is not an issue that was available as an item of which there could have been any recommendation to

the Government while reviewing the vigilance machinery.

3. Whatever that be, in the realm of grant of such allowance, unless the petitioners demonstrate a case of legal entitlement on the basis of the statutory rules or on grounds referable directly to any proved infringement of the constitutional rights, it does not appear to be appropriate for this Court to step in and grant reliefs.

4. In the aforesaid circumstances, the petitioners are left at liberty to move the Government placing further materials, if any, on the basis of which they would request the Government to grant them the benefit. If the petitioners make appropriate request, that will be taken, considered and disposed of, as expeditiously as possible.

The writ petition is disposed of without prejudice to what is stated above. No costs.

Sd/-

THOTTATHIL B. RADHAKRISHNAN,
JUDGE.

Sha/-

THOTTATHIL B. RADHAKRISHNAN, J.

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JUDGMENT

Dated: 25th June, 2007.